

CHAPTER 221

CRIMINAL LAW

S. F. 419

AN ACT to repeal sections fifty-three hundred forty-two (5342) to fifty-three hundred forty-four (5344), inclusive, of the code (C. C. 9403, 9404, 9405) relating to change of place of trial in criminal cases, and to enact a substitute therefor.

Be it enacted by the General Assembly of the State of Iowa:

That sections fifty-three hundred forty-two (5342) to fifty-three hundred forty-four (5344), inclusive, of the code be and the same are hereby repealed and the following enacted in lieu thereof:

1 **SECTION 1. Change of venue.** In all criminal cases which may be
2 pending in any of the district courts, any defendant therein, or the
3 state, in cases where defendant is charged with felony, may petition
4 the court for a change of place of trial to another county.

1 **SEC. 2. Petition by defendant.** Such petition, when filed by the
2 defendant, must set forth the nature of the prosecution, the court
3 where the same is pending, and that such defendant cannot receive
4 a fair and impartial trial owing to the prejudice of the judge, or to
5 excitement or prejudice against the defendant in such county, and
6 be verified on information and belief by the affidavit of the defendant.

1 **SEC. 3. Additional verification.** When the ground alleged in the
2 petition filed by the defendant is excitement or prejudice against him
3 in the county, it must be verified by the affidavit of three disinter-
4 ested persons, residents of the county from which the change is
5 sought, in addition to the affidavit of the petitioner himself.

1 **SEC. 4. Petition by state.** Such petition, when filed by the state,
2 shall set forth the nature of the prosecution, the court where the
3 same is pending, and that the state cannot receive a fair and impartial
4 trial in said county owing to excitement or prejudice in such county
5 against the prosecution, and be verified on information and belief by
6 the affidavit of the county attorney or his assistant.

1 **SEC. 5. Time and place of application.** When a change in place of
2 trial has been granted to one party to the prosecution, the other party
3 thereto to whom no change has been granted, may, in the county to
4 which the case has been sent, petition for a change in the same man-
5 ner as though said county was the county in which the case was first
6 pending. In such case if the change be granted, the case shall not be
7 sent to the county in which it was originally pending.

Approved March 28, A. D. 1923.